

SEP 27 2004

FEDERAL ELECTION COMMISSION
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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 5454
DATE COMPLAINT FILED: May 24, 2004
DATE OF NOTIFICATION: June 6, 2004
DATE ACTIVATED: July 28, 2004

EXPIRATION OF STATUTE
OF LIMITATIONS: February 26, 2008

COMPLAINANT:

Paul R. Hollrah

RESPONDENTS:

Edwards for President and Julius Chambers, as
treasurer

Turner & Associates and Michelle Abu-Halimeh
Howarth & Smith, Robert Kern, and Stacy Kern

**RELEVANT STATUTES AND
REGULATIONS:**

Robinson, Calcagnie & Robinson, Donna Hosea,
Michael Hosea, and Linda Moen
Shernoff, Bidart & Darras LLP, Vikki Sanchez, and
Thomas Sanchez
Wilkes & McHugh and Elaine Reeves
2 U.S.C. § 441f
2 U.S.C. § 441b
11 C.F.R. § 110.4(b)

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

26044142900

I. INTRODUCTION AND DISCUSSION

The complaint in this matter, which alleges that six law firms may have reimbursed individuals for their contributions to John Edwards's presidential campaign, raises the exact same allegations as another matter, MUR 5366. In fact, the complaint relies on some of the same media articles that were attached to MUR 5366. In addition, with the exception of two spouses of law firm employees discussed below, all respondents in MUR 5454 were named as respondents in MUR 5366. Finally, all responses to the complaint in the current matter reference the overlap from MUR 5366.

In MUR 5366, the Commission found no reason to believe that respondents associated with four law firms violated the Act and closed the file as it pertained to them. Because the complaint in the current matter provides no new information as to these respondents, this Office recommends that the Commission dismiss the complaint as it pertains to respondents associated with Howarth & Smith, Robinson, Calcagnie & Robinson, Shernoff, Bidart & Darras LLP, and Wilkes & McHugh. This dismissal would encompass two spouses of law firm employees who were not specifically named as respondents in MUR 5366 but who have submitted sworn statements denying that they were reimbursed for their contributions to Edwards for President.

The remaining respondents include (Turner & Associates individuals associated and the Edwards Committee, all of whom are respondents in MUR 5366. In MUR 5366, the Commission found reason to believe that the respondents associated with the law firm violated the Act and took no action at that time against the Edwards Committee. Because the current matter is identical in all material aspects to MUR 5366, this Office recommends that the Commission merge the current matter into MUR 5366, which effectively means that the Commission will be proceeding only with

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1 MUR 5366. This Office will notify the respondents of this merger, but because the Commission
2 is not making any new reason to believe findings, there is no need to provide the respondents
3 with a new factual and legal analysis or give them another opportunity to respond to the
4 allegations.

II. RECOMMENDATIONS

1. Dismiss the complaint as it pertains to Howarth & Smith, Robert Kern, and Stacy Kern; Robinson, Calcagnie & Robinson, Donna Hosea, Michael Hosea, and Linda Moen; Shernoff, Bidart & Darras LLP, Vikki Sanchez, and Thomas Sanchez; and Wilkes & McHugh and Elaine Reeves;
2. Merge MUR 5454 into MUR 5366; and
3. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

26044142902
Date

9/24/04

BY:


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